

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. to 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for a 3-year marketing exclusivity beginning August 24, 1995, because the application contains reports of new clinical or field investigations (other than bioequivalence or residue studies) and, in the case of food producing animals, human food safety studies (other than bioequivalence or residue studies) essential to the approval and conducted or sponsored by the applicant. The exclusivity applies only to the new indication which is the subject of this supplement.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

#### List of Subjects in 21 CFR Part 522

##### Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

#### **PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 522.313 is amended by adding a sentence to the end of paragraph (d)(1)(ii) to read as follows:

#### **§ 522.313 Ceftiofur sterile powder for injection.**

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(ii) \* \* \* Also, for the treatment of acute bovine interdigital necrobacillosis (foot rot, pododermatitis) associated with *Fusobacterium necrophorum* and *Bacteroides melaninogenicus*.

\* \* \* \* \*

Dated: September 25, 1995.  
Stephen F. Sundlof,  
Director, Center for Veterinary Medicine.  
[FR Doc. 95-24593 Filed 10-2-95; 8:45 am]  
BILLING CODE 4160-01-F

#### **DEPARTMENT OF STATE**

##### **22 CFR Part 92**

##### **[Public Notice 2265]**

##### **Bureau of Consular Affairs; Notarial and Related Services**

**AGENCY:** Bureau of Consular Affairs, Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Consular Affairs is amending its notarial regulations to authorize certain U.S. citizen employees of the Department of State who are not diplomatic or consular officers, but who have been designated by the Deputy Assistant Secretary for Overseas Citizen Services, to perform notarial services overseas.

**EFFECTIVE DATE:** This rule takes effect October 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** Carmen A. DiPlacido, or Michael Meszaros, Overseas Citizens Services, Department of State, 202-647-3666 or 202-647-4994.

**SUPPLEMENTARY INFORMATION:** This rule implements section 127(b) of the Foreign Relations Authorization Act, Fiscal Years 1994-1995, Pub. L. 103-236, April 30, 1994. Section 127(b) authorizes the Secretary of State to promulgate regulations providing for the designation of U.S. citizen employees of the Department of State to perform in foreign countries notarial services authorized to be performed by consular officers. The Department's new authority under section 127(b) will allow it to supplement the staff available to perform notarial services at posts abroad with designated U.S. citizen State Department employees who are not consular officers, thereby providing prompt, efficient services to the public and freeing consular officers to focus more of their efforts on other demands on our overseas posts. Consular and other diplomatic officers will still perform notarial functions as needed.

The Secretary's authority providing for the designation of the officers was delegated to the Assistant Secretary for Consular Affairs on September 20, 1994. The final rule will further delegate that authority to the Deputy Assistant Secretary for Overseas Citizens Services.

The rule was published as a proposed rule on December 16, 1994, with public comments due by January 17, 1995 (59 FR 64,881). In addition to publication in the Federal Register, the Department of State mailed copies of the proposed regulations to appropriate notarial officials in the states and territories. Copies were also mailed to private organizations which may have had an interest in the proposed regulations, such as the National Notary Association and the International Law section of the American Bar Association.

##### **Discussion of Comments and Changes**

The Department of State received two public comments on the proposed regulations. The National Notary Association pointed out an issue concerning the proposed § 92.4's requirement that all notarizing officers "perform any notarial act which any notary public is required or authorized by law to perform within the United States." The Association suggested that this provision:

May prove problematic, since Notaries in Maine, Florida and South Carolina have authority to perform marriages, and, in Louisiana, they have essentially the same duties and authority as attorneys. Further, in some states Notaries have certain peculiar duties which the State Department's notarizing officers may not be prepared to perform, including protests and the certification of an event or act."

The Association suggested that § 92.4 be further amended to specify exactly the notarial acts that notarizing officers may perform: "to administer, take or execute oaths, affirmations, acknowledgments, proofs, affidavits and depositions, except as limited by § 92.1."

The Department thanks the National Notary Association for taking the time and effort to review our proposed regulations. The language it is concerned about in fact predates the proposed amendments, however, and closely tracks the actual wording of 22 U.S.C. 4215 and 22 U.S.C. 4221, which are the statutes that authorize employees of the State Department to perform notarial acts. Moreover, the Department has always understood these two authorizing statutes to use the term "notarial act" in the traditional sense of the word. Thus the Department believes that the statutes encompass notarial acts as specified by statute in a

majority of the States, but not all the acts that a notary may perform in every state. In some states (under common law) the duties of the notary public were expanded over time, so that notaries basically performed the functions of a justice of the peace. A minority of these states (Maine, Florida and South Carolina, according to the Association) then codified some of these functions, one of them being the celebration of a marriage. The Department understands, however, that in effect these few States have authorized notaries to perform acts that are not notarial, at least not in the traditional sense or the sense authorized in the majority of the states or by 22 U.S.C. 4215 and 4221. Thus, the Department does not believe that 22 U.S.C. 4215 and 4221 or its notarial regulations provide a basis to authorize its consular or other notarial officers to perform such extraordinary acts that are more typically associated with Justices of the Peace or attorneys. Support for this view is found in the definition of a notary public in one commonly cited source:

A notary public is defined as a public, civil, or ministerial officer, and an impartial agent of the state, who in the performance of his duties, exercises a delegation of the state's sovereign power, as in attesting the genuineness of any deeds or writings in order to render them available as evidence of the facts therein contained, and in administering oaths and attesting to the authenticity of signatures.

58 AM. JUR. 2D *Notaries Public* section 1 (1995).

We do agree, however, that a change in the wording of the Department's regulations would be useful to ensure that there is no misunderstanding of the notarial authorities of Department officials. Given our understanding that 22 U.S.C. 4215 and 4221 authorize the performance of oaths, affirmations and other ministerial duties of notaries, not extraordinary acts (such as celebrating a marriage) which are not traditional notarial acts and which are authorized by a minority of the states, we have substituted for the first sentence of Section 92.4(a) the following three sentences:

All notarizing officers are required, when application is made to them within the geographic limits of their consular district, to administer to and take from any person any oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States. The term "notarial act" as used herein shall not include the performance of extraordinary acts, such as marriages, that have not been

traditionally regarded as notarial, notwithstanding that notary publics may be authorized to perform such acts in some of the states of the United States. If a request is made to perform an act that the notarizing officer believes is not properly regarded as notarial within the meaning of this regulation, the officer shall not perform the act unless expressly authorized by the Department upon its determination that the act is a notarial act within the meaning of 22 U.S.C. 4215 and 4221.

Another comment was received from the Office of Inspection of Notarial Deeds, Tribunal Supremo, Puerto Rico:

We foresee no difficulties with the implementation of this rule with the exceptions provided. However, [it is] respectfully requested [that the Department] consider in the rule whether the documents which bear the signature of a designated employee in his official capacity similar to a consular officer, require or not to be accompanied by a certification stating that the signature of the designated employee is genuine and that the signer has the official capacity to sign the document.

The issue of whether a certification would need to accompany any notarial act performed by a designated State Department employee has been considered. Due to the fact that our designated employees will have the same statutory authority as a consular officer, the Department has concluded that attaching such certificates to notarial acts performed by designated employees will not be necessary. The Department will maintain records of employees designated under these regulations to ensure that their official acts can subsequently be verified if questioned, for example, in litigation.

As noted when this rule was first proposed, the new regulation does not provide for designated U.S. citizen State Department employees to perform authentications, but the Department hopes to be able to extend the rule to encompass authentications in the future. The authentication of documents for use in civil proceedings in the federal courts is currently governed by Rule 44(a)(2) of the Federal Rules of Civil Procedure. It is unclear whether that rule can be read to include authentications performed by non-consular officer U.S. citizen employees designated by the Department to perform notarial services. The Bureau for Consular Affairs plans to initiate consultations with the appropriate judicial officials to clarify the interpretation of Rule 44 and, if necessary, to ask that Rule 44 be amended to encompass all notarial officials under this proposed rule, thereby permitting further amendments

to the Department's notarial regulations to include authentications.

Similarly, the regulation does not allow the designated employees to perform notarial services in connection with patents and patent applications. The taking of oaths regarding patent applications is governed by 35 U.S.C. 115, which provides for patent application oaths to be administered by "diplomatic and consular officers." The Department of State is now seeking an amendment to the statute to permit notarial officers to accept patent applications.

Another service which designated employees are unable to perform is the taking of testimony in any criminal action or proceeding pursuant to a commission issued by a court in the United States. Such testimony is governed by 18 U.S.C. 3492, which authorizes consular officers to receive commissions to take testimony. Again, the Department is now seeking an amendment to the statute to permit notarial officers to permit notarizing officers to receive commissions to authenticate documents and take testimony.

The acceptability of notaries performed by designated U.S. citizen State Department employees for State law purposes is of course governed by the laws of the various states. The Department hopes that any State laws that do not allow acceptance of such notaries will be amended as necessary to achieve this result, and will be inviting consultations to this end.

The Department believes that, with these qualifications, notaries performed by designated U.S. citizen State Department employees will be acceptable for all purposes, and particularly for all Federal law purposes. The Bureau of Consular Affairs will be consulting with other interested federal agencies to ensure this result to the extent possible consistent with current statutory authorities.

This regulation is not expected to have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. It will not impose information collection requirements under the provisions of the Paperwork Reduction Act of 1980. This rule has been reviewed as required under E.O. 12778 and certified to be in compliance therewith. This rule is exempt from review under E.O. 12866 but is consistent therewith and is being shared with potentially interested federal agencies to ensure that they are aware of the changes it will entail in consular operations.

## List of Subjects in 22 CFR Part 92

## Notarial and Related Services.

For the reasons set out in the preamble, 22 CFR part 92 is amended as follows:

**PART 92—NOTARIAL AND RELATED SERVICES**

1. The authority citation for part 92 is revised to read as follows:

Authority: 22 U.S.C. 2658, unless otherwise noted.

**§ 92.1 [Amended]**

2. Section 92.1(d) is added to read as follows:

\* \* \* \* \*

(d) For purposes of this part, except §§ 92.36 through 92.42 relating to the authentication of documents, the term "notarizing officer" includes consular officers, officers of the Foreign Service who are secretaries of embassy or legation under Section 24 of the Act of August 18, 1856, 11 Stat. 61, as amended (22 U.S.C. 4221), and such U.S. citizen Department of State employees as the Deputy Assistant Secretary of State for Overseas Citizens Services may designate for the purpose of performing notarial acts overseas pursuant to section 127(b) of the Foreign Relations Authorization Act, Fiscal Years 1994–1995, Pub. L. 103–236, April 30, 1994 ("designated employees"). The authority of designated employees to perform notarial services shall not include the authority to perform authentications, to notarize patent applications, or take testimony in a criminal action or proceeding pursuant to a commission issued by a court in the United States, but shall otherwise encompass all notarial acts, including but not limited to administering or taking oaths, affirmations, affidavits or depositions.

The notarial authority of a designated employee shall expire upon termination of the employee's assignment to such duty and may also be terminated at any time by the Deputy Assistant Secretary for Overseas Citizen Services.

3. Section 92.2 is revised to read as follows:

**§ 92.2 Description of overseas notarial functions of the Department of State, record of acts.**

The overseas notarial function of notarizing officers of the Department of State is similar to the function of a notary public in the United States. See § 22.5(b) of this chapter concerning the giving of receipts for fees collected and the maintenance of a register serving the same purposes as the record which

notaries are usually expected or required to keep of their official acts.

4. Section 92.4 is amended by revising the heading and paragraphs (a), (b) and (c) to read as follows:

**§ 92.4 Authority of notarizing officers of the Department of State under Federal law.**

(a) All notarizing officers are required, when application is made to them within the geographic limits of their consular district, to administer to and take from any person any oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States. The term "notarial act" as used herein shall not include the performance of extraordinary acts, such as marriages, that have not been traditionally regarded as notarial, notwithstanding that notary publics may be authorized to perform such acts in some of the states of the United States. If a request is made to perform an act that the notarizing officer believes is not properly regarded as notarial within the meaning of this regulation, the officer shall not perform the act unless expressly authorized by the Department upon its determination that the act is a notarial act within the meaning of 22 U.S.C. 4215 and 4221. The language "within the limits of the consulate" is construed to mean within the geographic limits of a consular district. With respect to notarial acts performed by notarizing officers away from their office, see § 92.7. Notarial acts shall be performed only if their performance is authorized by treaty provisions or is permitted by the laws or authorities of the country wherein the notarizing officer is stationed.

(b) These acts may be performed for any person regardless of nationality so long as the document in connection with which the notarial service is required is for use within the jurisdiction of the Federal Government of the United States or within the jurisdiction of one of the States or Territories of the United States. (However, see also § 92.6.) Within the Federal jurisdiction of the United States, these acts, when certified under the hand and seal of office of the notarizing officer are valid and of like force and effect as if performed by any duly authorized and competent person within the United States. Documents bearing the seal and signature of a secretary of embassy or legation, consular officer (including consul general, vice consul or consular agent) are admissible in evidence within the Federal jurisdiction without proof of any such seal or signature being genuine

or of the official character of the notarizing officer.

(c) Every notarizing officer may perform notarial acts for use in countries occupied by the United States or under its administrative jurisdiction, provided the officer has reason to believe that the notarial act will be recognized in the country where it is intended to be used. These acts may be performed for United States citizens and for nationals of the occupied or administered countries, who reside outside such countries, except in areas where another government is protecting the interests of the occupied or administered country.

\* \* \* \* \*

5. Section 92.5 is revised to read as follows:

**§ 92.5 Acceptability of notarial acts under State or territorial law.**

The acceptability with the jurisdiction of a State or Territory of the United States of a certificate of a notarial act performed by a notarizing officer depends upon the laws of the State or Territory.

6. In § 92.6, introductory text and paragraph (b) are revised to read as follows:

**§ 92.6 Authority of notarizing officers under international practice.**

Although such services are not mandatory, notarizing officers may, as a courtesy, perform notarial acts for use in countries with which the United States has formal diplomatic and consular relations. Generally the applicant for such service will be a United States citizen or a national of the country in which the notarized document will be used. The notarizing officer's compliance with a request for a notarial service of this type should be based on the reasonableness of the request and the absence of any apparent irregularity. When a notarizing officer finds it advisable to do so, the officer may question the applicant to such extent as may be necessary to be assured of the reasonableness of the request and the absence of irregularity.

\* \* \* \* \*

(b) That the notarial service is legally necessary and cannot be obtained otherwise than through a United States notarizing officer without loss or serious inconvenience to the applicant; and

\* \* \* \* \*

7. Section 92.7 is amended by revising the heading and paragraph (b) to read as follows:

**§ 92.7 Responsibility of notarizing officers of the Department of State.**

\* \* \* \* \*

(b) As indicated in §§ 92.4, 92.5, and 92.6, the authority of secretaries of embassy or legation as well as consular officers to perform notarial acts is generally recognized. However, the function is essentially consular, and notarial powers are in practice exercised by diplomatic officers only in the absence of a consular officer or U.S. citizen State Department employee designated to perform notarial functions as provided in § 92.1(d). Performance of notarial acts by an officer assigned in dual diplomatic and consular capacity shall be performed in his/her consular capacity, except in special circumstances.

8. Section 92.31 is amended by revising the third sentence of paragraph (a) to read as follows:

**§ 92.31 Taking an acknowledgment.**

(a) \* \* \* Therefore, notarizing officers and consular agents who are called upon to perform this notarial act should consult the applicable State or territorial law to ascertain whether certificates of acknowledgment will be acceptable.

\* \* \* \* \*

9. Section 92.51 is revised to read as follows:

**§ 92.51 Methods of taking depositions in foreign countries.**

Rule 28(b) of the Rules of Civil Procedure for the District Courts of the United States provides that depositions may be taken in foreign countries by any of the following four methods:

(a) Pursuant to any applicable treaty or convention, or

(b) Pursuant to a letter of request (whether or not captioned a letter rogatory), or

(c) On notice before a person authorized to administer oaths in the place in which the examination is held, either by the law thereof or by the law of the United States. Notarizing officials as defined by 22 CFR 92.1 are so authorized by the law of the United States, or

(d) Before a person commissioned by the court, and a person so commissioned shall have the power by virtue of the commission to administer any necessary oath and take testimony.

10. Section 92.52 is revised to read as follows:

**§ 92.52 "Deposition on notice" defined.**

A "deposition on notice" is a deposition taken before a competent official after reasonable notice has been given in writing by the party or attorney proposing to take such deposition to the opposing party or attorney of record. Notarizing officers, as defined by 22

CFR 92.1, are competent officials for taking depositions on notice in foreign countries (see § 92.51). This method of taking a deposition does not necessarily involve the issuance of a commission or other court order.

11. Section 92.55 is revised to read as follows:

**§ 92.55 Consular authority and responsibility for taking depositions.**

(a) *Requests to take depositions or designations to execute commissions to take depositions.* Any United States notarizing officer may be requested to take a deposition on notice, or designated to execute a commission to take depositions. A commission or notice should, if possible, identify the officer who is to take depositions by his official title only in the following manner: "Any notarizing officer of the United States of America at (name of locality)". The notarizing officer responsible for the performance of notarial acts at a post should act on a request to take a deposition on notice, or should execute the commission, when the documents are drawn in this manner, provided local law does not preclude such action. However, when the officer (or officers) is designated by name as well as by title, only the officer (or officers) so designated may take the depositions. In either instance, the officer must be a disinterested party. Rule 28(c) of the Rules of Civil Procedure for the district courts of the United States prohibits the taking of a deposition before a person who is a relative, employee, attorney or counsel of any of the parties, or who is a relative or employee of such attorney or counsel, or who is financially interested in the action.

(b) *Authority in Federal law.* The authority for the taking of depositions, charging the appropriate fees, and imposing the penalty for giving false evidence is generally set forth in 22 U.S.C. 4215 and 4221. The taking of depositions for federal courts of the United States is further governed by the Federal Rules of Civil Procedure. For the provisions of law which govern particularly the taking of depositions to prove the genuineness of foreign documents which it is desired to introduce in evidence in any criminal action or proceeding is a United States federal court, see 18 U.S.C. 3491 through 3496.

(c) *Procedure where laws of the foreign country do not permit the taking of depositions.* In countries where the right to take depositions is not secured by treaty, notarizing officers may take depositions only if the laws or authorities of the national government

will permit them to do so. Notarizing officers in countries where the taking of depositions is not permitted who receive notices or commissions for taking depositions should return the documents to the parties from whom they are received explaining why they are returning them, and indicating what other method or methods may be available for obtaining the depositions, whether by letters rogatory or otherwise.

12. Section 92.66 is amended by revising paragraphs (a) and (d) to read as follows:

**§ 92.66 Depositions taken before foreign officials or other persons in a foreign country.**

(a) *Customary practice.* Under Federal law (Rule 28(b), Rules of Civil Procedure for the District Courts of the United States) and under the laws of some of the States, a commission to take depositions can be issued to a foreign official or to a private person in a foreign country. However, this method is rarely used; commissions are generally issued to U.S. notarizing officers. In those countries where U.S. notarizing officers are not permitted to take testimony (see § 92.55(c)) and where depositions must be taken before a foreign authority, letters rogatory are usually issued to a foreign court.

\* \* \* \* \*

(d) *Transmissions of commissions to foreign officials or other persons.* A commission to take depositions which is addressed to an official or person in a foreign country other than a United States notarizing officer may be sent directly to the person designated. However, if such a commission is sent to the United States diplomatic mission in the country where the depositions are intended to be taken, it should be forwarded to the Foreign Office for transmission to the person appointed in the commission. If sent to a United States consular office, the commission may be forwarded by that office directly to the person designated, or, if the notarial officer deems it more advisable to do so, he may send the commission to the United States diplomatic mission for transmission through the medium of the foreign office.

**§§ 92.3, 92.8, 92.9(a) and 92.9(b), 92.10, 92.11(a) and 92.11(b), 92.12, 92.15, 92.17, 92.23, 92.24, 92.27(a) and 92.27(b), 92.29, 92.31, 92.32(b), 92.33, 92.35, 92.56, 92.58, 92.57, 92.60, 92.61, 92.62, and 92.64(b) [Amended]**

12. In 22 CFR Part 92 remove the words "consular officer," "consular officers" or "consular officer's" and add, in their place, as appropriate, the words "notarizing officer", "notarizing

officers" or "notarizing officer's" in the following places:

- (a) Section 92.3;
- (b) Section 92.8;
- (c) Section 92.9(a) and 92.9(b);
- (d) Section 92.10;
- (e) Section 92.11(a) and 92.11(b);
- (f) Section 92.12;
- (g) Section 92.15;
- (h) Section 92.17;
- (i) Section 92.23;
- (j) Section 92.24;
- (k) Section 92.27(a) and 92.27(b);
- (l) Section 92.29;
- (m) Section 92.31;
- (n) Section 92.32(b);
- (o) Section 92.33;
- (p) Section 92.35;
- (q) Section 92.56, introductory text;
- (r) Section 92.57;
- (s) Section 92.59, concluding text;
- (t) Section 92.60;
- (u) Section 92.61;
- (v) Section 92.62;
- (w) Section 92.63, concluding text;
- (x) Section 92.64(b)

Dated: August 29, 1995.

Mary A. Ryan,

*Assistant Secretary for Consular Affairs.*

[FR Doc. 95-24588 Filed 10-2-95; 8:45 am]

BILLING CODE 4710-06-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### 25 CFR Part 164

RIN 1076-AC77

#### **Sale of Lumber and Other Forest Products Produced by Indian Enterprises From the Forests on Indian Reservations**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is deleting regulations which govern the terms and conditions under which forest products produced by Indian tribal forest enterprises from the forests of Indian Reservations may be sold. The BIA is deleting these regulations because the "General Forest Regulations," prescribe similar terms and conditions for such sales of Indian forest products in the section, "Indian Tribal Forest Enterprise Operations." Therefore, this deletion is necessary to eliminate redundancy and potential confusion in forestry program regulations.

**EFFECTIVE DATE:** November 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Stires, Billings Area Office, Bureau

of Indian Affairs, Branch of Forestry at (406) 657-6358.

**SUPPLEMENTARY INFORMATION:** This action, deleting 25 CFR part 164, results from the BIA's need to eliminate the redundancy and potential confusion arising from having two regulations governing the same operations. The BIA recognizes that provisions in § 163.13 of the revision of 25 CFR part 163, "General Forest Regulations," are adequate to govern the sale of Indian forest products and, as a result, that 25 CFR part 164 is no longer needed.

No comments were received during the 60 day comment period following the publication of the proposed rule in the Federal Register.

The Department of the Interior has determined that this rule is not a significant regulation action under Executive Order 12866, and therefore will not be reviewed by the Office of Management and Budget. This rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the sale of lumber and forest products produced by Indian enterprises will be conducted as in the past.

The Department of the Interior has determined that this final rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969.

The Department has certified to the Office of Management and Budget that these regulations meet the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

In accordance with Executive Order 12630, the Department has determined that this rule does not have significant takings implications.

The Department has determined that this rule does not have significant federalism effects.

The deletion of 25 CFR part 164, "Sale of Lumber and Other Forest Products Produced by Indian Enterprises from Forests on Indian Reservations," will not create information collection or record keeping requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

The primary author of this document is Mr. Jim Stires, Forester, in the Billings Area Office, BIA, Branch of Forestry, Billings, Montana.

List of Subjects in 25 CFR Part 164

Forests and forest products; Indian lands.

For the reasons set forth in the preamble, and under the authority of Public Law 97-257, Title I, Section 100 (September 30, 1982, Stat. 839), Part 164 of Chapter I, of Title 25 of the Code of Federal Regulations is removed.

Dated: July 17, 1995.

Ada E. Deer,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 95-24478 Filed 10-2-95; 8:45 am]

BILLING CODE 4310-02-P

## 25 CFR Part 165

RIN 1076-AC75

### **Sale of Forest Products, Red Lake Indian Reservation, Minnesota**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is deleting regulations which govern the terms and conditions under which forest products produced by the Red Lake Indian Mills may be sold. The BIA is deleting these regulations because the Red Lake Indian Mills no longer exists and the revision of 25 CFR Part 163, "General Forest Regulations," prescribes the terms and conditions for the sale of forest products produced by other Indian forest product enterprises on the Red Lake Indian Reservation. Therefore, this deletion is necessary to eliminate redundancy and potential confusion in forestry program regulations.

**EFFECTIVE DATE:** November 2, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Stires, Billings Area Office, Bureau of Indian Affairs, Branch of Forestry, telephone (406) 657-6358.

**SUPPLEMENTARY INFORMATION:** This action, deleting 25 CFR part 165, results from the BIA's need to eliminate the redundancy and potential confusion arising from having an unnecessary regulation for a business entity that no longer exists. In addition, the BIA recognizes that provisions in § 163.13 of the revision of 25 CFR part 163, "General Forest Regulations," are adequate to govern the sale of Indian forest products by Indian forest enterprises on the Red Lake Indian Reservation and, as a result, that 25 CFR part 165 is no longer needed.

No comments were received during the 60 day comment period following the publication of the proposed rule in the Federal Register.

The Department of the Interior has determined that this rule is not a significant regulation action under Executive Order 12866, and therefore